

# **EXHIBIT 28**

## 16 Men Died in New York City Jails Last Year. Who Were They?



Lezandre Khadu's 24-year-old son died awaiting trial last year after developing seizures in jail. Credit... Mary Inhea Kang for The New York Times

The stories of those who died in custody offer an intimate, firsthand look at the crisis gripping the New York City jail system.

Lezandre Khadu's 24-year-old son died awaiting trial last year after developing seizures in jail.

Credit...

Mary Inhea Kang for The New York Times

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The first to die last year was found in January, hanging from a sprinkler head in his jail cell just a week after his arrival. The second was found strangled about a month later, his head forced through a slot in his cell door in what was later ruled a suicide.

The weeks and months that followed brought more deaths in New York City's Rikers Island jail complex. Another hanging, in a shower cell used for washing off pepper spray; an overdose on drugs that aren't supposed to be in jails. A sudden medical emergency. A bout of viral meningitis. A case of Covid-19.

At least 16 people died in the custody of New York's troubled jails in 2021. Most were awaiting trial and died on Rikers Island, the notorious 90-year-old warren of cellblocks separated from the city's mainland by the East River.

The deaths have received outsize scrutiny compared with years past, with many seemingly preventable, especially after recent reforms put in place at the jails and the emptying of thousands of inmates during the pandemic. Inmates were found hanging from the ends of makeshift nooses or slumped from drug overdoses in a place with a basic responsibility to keep each inmate safe from harm, pending trial or release.

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These men make up a tragic fraternity of strangers, linked by their common ends. Some were past middle age, others in their prime. More than a few fought crippling addictions. Many had lifelong mental health issues. One was a handyman. Another a new father. A third

was an attentive son. There was also a serial thief, a stalking suspect and a man accused of threatening to inject a stranger with H.I.V.

There have been worse years at Rikers: In 2013 there were 23 deaths, and that number routinely rose above 30 in the 1990s. In 1990 alone, 96 inmates died in custody. But last year's number is striking in light of how steeply the jail population had declined in 2020 compared with previous years, when the system often held at least twice as many people. The population rose gradually in 2021, ending the year at prepandemic levels but still far below the 1990s and early 2000s.

All but one of those who died were Black or Hispanic. They faced a constellation of charges, from parole violations to robbery, assault, even murder. At least six died by suicide, and at least three others by overdose. Most of the deaths might have been prevented by basic oversight, but since the beginning of the pandemic, jail employees had been overworked and reporting sick and staying away by the hundreds.

Awaiting the outcomes of their cases, these men died unseen, away from family and, in most cases, from doctors or correction officers charged with watching over them.

## **'I don't think I'm going to make it'**

Stephan Khadu was a healthy 22-year-old when he was locked up in December 2019 on charges of conspiracy to commit murder. At the height of the pandemic, he defended the jail's officers when his mother, Lezandre Khadu, 39, would criticize them.

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Ms. Khadu with a cardboard portrait of her son, Stephan, that her sister gave her. "He is a son, he is a brother, he is a father, he is a grandson, he is a nephew," Ms. Khadu said. Credit... Mary Inhea Kang for The New York Times

"He'd say, 'Mom, what is wrong with you? They work three or four tours,'" Ms. Khadu said, describing a time her son shared a commissary pastry with a hungry officer.

But he also related frequent encounters with officers wielding the potent Cell Buster pepper spray that they carry on their belts. He told her they sprayed it so often that he had gotten used to it.

By this past summer, after 20 months in jail, Mr. Khadu began suffering seizures, which his mother said he had never had before. In

September, he was being held at the Vernon C. Bain Correctional Center, a floating jail barge just north of Rikers Island. Another inmate found him bleeding from the mouth and helped Mr. Khadu to his feet. They went for help but were met by officers who were dealing with a fire in another cell, and the officers pepper-sprayed the two inmates, Ms. Khadu said.

## The Crisis at Rikers Island

**Amid the pandemic and a staffing emergency, New York City's main jail complex has been embroiled in a continuing crisis.**

- **2022 Deaths:** Sixteen people died in the city's jail system last year, the most since 2013. Deaths this year are [on pace to be even higher](#).
- **Gaming the Numbers:** Louis Molina, New York City's jail commissioner, pushed for a dying man's release from Rikers in [an apparent bid to limit the prison's death count](#).
- **Inside Rikers:** Videos obtained by The Times [reveal scenes of violence](#) and offer vivid glimpses of the [lawlessness that has taken hold](#).
- **Decades of Dysfunction:** For years, city officials have presided over [shortcuts and blunders](#) that have led to chaos at the jail complex.

Her son was hospitalized that day for his seizures and died. He was 24 years old, the 12th inmate to die in 2021. "He is not just 'Number 12,'" Ms. Khadu said. "He is a son, he is a brother, he is a father, he is a grandson, he is a nephew."

The city medical examiner ruled that Mr. Khadu had died a natural death caused by a meningitis infection, probably viral, raising questions about the medical treatment he received in custody.

Victor Mercado, an older man who died in Rikers, was also supposed to be receiving medical care there. Forced by poor circulation to use a

wheelchair, Mr. Mercado had been held in a jail infirmary since he was arrested in July on a gun charge.

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In telephone calls from the jail, Mr. Mercado, a Bronx handyman with a heroin habit, told his childhood friend Ray Rivera that the system was taking few precautions against the spread of Covid and that he was afraid of getting sick, Mr. Rivera said.

“He said, ‘Listen, they’re putting mad sick people in here, everybody’s on top of each other,’” Mr. Rivera recalled.

When Mr. Mercado caught the virus, Mr. Rivera urged him to stay positive, but his friend’s outlook was darkening. “He said real clear, ‘I don’t think I’m going to make it,’” Mr. Rivera said.





Ray Rivera, a friend of Mr. Mercado's, tried to keep his spirits up but said Mr. Mercado was pessimistic about his chances after contracting Covid. Credit... Mary Inhea Kang for The New York Times

That was on a Sunday. Mr. Mercado died the following Friday, Oct. 15 — about two weeks after his 64th birthday.

That same week, a 58-year-old autistic man with a lengthy arrest history named Anthony Scott was once again in custody, accused of punching a hospital nurse in the face. He had been locked up dozens of times since his 20s, but this time, as he was about to be transferred from a Manhattan holding pen to Rikers Island, Mr. Scott hanged himself — death number 14.



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## **‘A crisis for persons in custody’**

New York City’s jail system has long struggled to prevent people in custody from harming themselves.

On the day Mr. Scott died, the city Board of Correction, a jail oversight panel, issued a report that described failures in a case of attempted suicide and noted that the breakdowns had become increasingly problematic after the pandemic began.

In November 2020, an inmate hanged himself in the Manhattan Detention Center while a correction captain stood by and forbade a subordinate from intervening, prosecutors said when they later charged the captain with criminally negligent homicide.

That was one in a soaring number of episodes of self-harm in the jail system since the beginning of the pandemic, and a foreshadowing of what would occur in 2021. By last September, at least five suicides had taken place in the previous nine months after more than two years without any, prompting the Correction Board to declare “a crisis for persons in custody.” At least one more suicide would follow, and yet another death — still under investigation — seems likely also to have been a case of self-harm.

Inmates with histories of self-harm are usually flagged for special observation. But a lack of direct supervision from the staff led to conditions that allowed men to take their lives in several cases last year.

Javier Velasco of Queens was described as a loving husband but protective to a fault — he wouldn’t let his wife go to the grocery alone. When he drank, these qualities hardened and darkened, turning him menacing and violent, said his widow, Amanda Velasco.

She filed for divorce in what she said was an empty threat aimed at changing his ways. Ms. Velasco told the police in September 2020 that Mr. Velasco had broken into her apartment, stolen property and sent her threatening texts. He was jailed and released in February 2021, when he sent her more threatening texts. He was arrested again, sent to Rikers and, in March, he told her she was safer without him. Then he hanged himself. He was 37.

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“He loved me and he loved my children. He did everything for us — everything,” Ms. Velasco said. “He’s not just this crazy obsessed man.”



Photos of Segunda Gualpa and his family surrounding the urn holding his ashes.  
Credit... Mary Inhea Kang for The New York Times

Another inmate, Segunda Gualpa, married and started a family in Ecuador before moving to New York in 1988. He was hurt in a construction accident and, when the family lost their home last year, began drinking heavily, which made him abusive, one of his sons, Francisco Gualpa, said. In August, after having been arrested on charges of domestic violence, he took his life in Rikers Island. He was 58.

“When he was sober, he was a perfect father,” Francisco said. “He was always there, cooking, taking care of us. He was very attentive. He must’ve just been desperate in the end.”



Mr. Gualpa's children, Francisco Gualpa, left, and Alexiss, with their mother, Luz Gualman. “He must’ve just been desperate in the end,” Francisco Gualpa said. Credit... Mary Inhea Kang for The New York Times

Brandon Rodriguez, 25, had fled New York City when the coronavirus arrived, moving to Indiana, where he worked at a Wendy's. “He was doing good,” said his mother, Tamara Carter, 44. “I wish he'd stayed there.”

He was given a diagnosis of multiple sclerosis and returned to New York, where his troubles with the law, which had begun before the Indiana move, resumed, his mother said. He had struggled with mental illness since he was a boy, she said, and he had gone off his medication in recent months.

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He was arrested on domestic violence charges in August. Six days later he was found hanging in a shower cell where inmates are sent to wash off the Cell Buster spray.

### **‘Not just a detainee’**

The smuggling of illegal drugs into city jails is another chronic problem, despite investigations and changes in security screenings. Visitors and staff members alike have been charged over the years with carrying drugs and other contraband to inmates. Visitation was halted at the city’s jails for more than a year during the early pandemic, resuming only in June; the regular discovery of narcotics among inmates during that period suggests that at least some drugs at Rikers must have come from the staff.

In May, seven correction officers and two other correction employees [were charged with smuggling](#) synthetic marijuana, liquor, scalpels, razor blades and cellphones to inmates in return for thousands of dollars in bribes. Previous investigations at Rikers and other city jails used an undercover officer who was able to sneak drugs and a razor blade through employee entrances and into the jails.

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A collage of photographs of Esias Johnson at his funeral after his death in custody. His father, Jerome Johnson said that despite mental health problems, "He was a good kid. He was a good man." Credit... M. Scott Brauer for The New York Times

Nonetheless, at least three inmates fatally overdosed last year. Thomas Braunson, 35, was found unconscious in a cell by another inmate on April 19, three days after he was arrested on a shoplifting charge in New Jersey.

He had become a father two months earlier. His death was caused by an overdose of fentanyl, heroin and PCP, the medical examiner later found. It remains under investigation how he obtained the drugs.

"It took from him the one thing that he wanted," said his sister, Allisa Braunson, 28, thinking about his infant daughter.

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Esias Johnson was 23 when he was arrested in Queens in August, accused of chasing a man into a bank and threatening to stab him with a syringe and claiming to have AIDS. He had mental health problems throughout his life, his father, Jerome Johnson, said.

But there was more to him: "Of all my children, he's the one who got my gift of singing," Mr. Johnson said. "He was a good kid. He was a good man."

He died a few weeks after he arrived at Rikers, a death the medical examiner is still investigating — the year's 10th death in custody. Mr. Johnson said he was demanding a further explanation. "After one, you need to be investigating, Not after two, three and four."



Credit... M. Scott Brauer for The New York Times

As the year came to a close, the number stood at 16. Ms. Carter, the mother of Brandon Rodriguez, who was arrested after his return from working at the Indiana Wendy's, offered an epitaph that could apply to all of the men who died in the jail system last year.

"He was a person," Ms. Carter said. "Not just a detainee."

Jan Ransom contributed reporting.

**Suicide Prevention Helplines:** If you are having thoughts of suicide or are concerned that someone you know may be having those thoughts, in the United States call the National Suicide Prevention Lifeline at **800-273-8255 (TALK)** or go to [SpeakingOfSuicide.com/resources](https://www.speakingofsuicide.com/resources) for a list of additional resources. Go [here](#) for resources outside the United States.

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